

**UNITED STATE DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC

Plaintiff,

v.

DELL, INC., et al.

Defendants.

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Civil Action No. 2:10-CV-446-TJW

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

Plaintiff TQP Development, LLC and Defendant Dell Inc. (“Dell”), pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action WITH PREJUDICE, subject to the terms of that certain agreement entitled “**SETTLEMENT AGREEMENT**” and dated February 16, 2011, with each party to bear its own costs, expenses and attorneys’ fees.

Dated: February 25, 2011

Respectfully submitted,

By: /s/ Andrew W. Spangler

Andrew W. Spangler  
State Bar No. 24041960  
Spangler Law P.C.  
208 N. Green St., Suite 300  
Longview, TX 75601  
Telephone: (903) 753-9300  
Facsimile: (903) 553-0403  
Email: spangler@spanglerlawpc.com

LOCAL ATTORNEY FOR TQP  
DEVELOPMENT, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 25th day of February, 2011, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Andrew W. Spangler

Andrew W. Spangler